


This matter was referred to United States Magistrate Judge David D. Noce for a Report and Recommendation pursuant to 28 U.S.C. § 636(b). Judge Noce issued a Report and Recommendation on May 24, 2010 that recommended that the Commissioner's decision to deny benefits should be affirmed. Judge Noce found that the Administrative Law Judge's determination that Plaintiff was not entitled to benefits was supported by substantial evidence in the record.

Any objections to Judge Noce's Report and Recommendation had to be filed by June 14, 2010. As of this date, neither of the parties has filed an objection.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge Noce is **SUSTAINED, ADOPTED AND INCORPORATED** herein. The Commissioner of Social Security's decision to deny disability benefits to Plaintiff is affirmed.

Dated this 29th Day of June, 2010.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE